

104TH CONGRESS  
2D SESSION

# H. R. 4219

To amend title 11 of the United States Code to make nondischargeable debts for overpayments received under title XVIII or XIX of the Social Security Act, and to except from automatic stay exclusion from program participation under the Social Security Act.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1996

Mr. STARK introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 11 of the United States Code to make nondischargeable debts for overpayments received under title XVIII or XIX of the Social Security Act, and to except from automatic stay exclusion from program participation under the Social Security Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare and Medicaid  
5 Recovery Act of 1996”.

1 **SEC. 2. NONDISCHARGEABILITY OF DEBTS FOR OVERPAY-**  
2 **MENTS RECEIVED UNDER MEDICARE OR**  
3 **MEDICAID.**

4 (a) IN GENERAL.—Section 523(a) of title 11, United  
5 States Code, is amended—

6 (1) in paragraph (16), by striking the period at  
7 the end and inserting “; or”; and

8 (2) by adding at the end the following:

9 “(17) to the extent such debt is for an overpay-  
10 ment received under title XVIII or XIX of the Social  
11 Security Act.”.

12 (b) APPLICABILITY UNDER CHAPTER 13.—Section  
13 1328(a)(2) of title 11, United States Code, is amended  
14 by striking “or (9)” and inserting “(9), or (17)”.

15 **SEC. 3. EXCLUSION FROM PROGRAM PARTICIPATION NOT**  
16 **SUBJECT TO AUTOMATIC STAY.**

17 Section 362(b) of title 11, United States Code, is  
18 amended—

19 (1) in paragraph (17), by striking “or” at the  
20 end;

21 (2) in paragraph (18), by striking the period at  
22 the end and inserting “; or”; and

23 (3) by inserting after paragraph (18) the fol-  
24 lowing:

25 “(19) under subsection (a) of this section, of  
26 the exclusion by the Secretary of Health and Human

1 Services of the debtor from participation in medicare  
2 and State health programs pursuant to section  
3 1128, 1892(a)(2)(C)(ii), or 1892(a)(3)(B) of the So-  
4 cial Security Act.”.

5 **SEC. 4. EFFECTIVE DATE.**

6 The amendments made by this Act apply with respect  
7 to cases commenced under title 11, United States Code,  
8 on or after the date of the enactment of this Act.

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